

SOUTH CAROLINA PUBLIC SERVICE COMMISSION

HEARING OFFICER DIRECTIVE

DOCKET NOS. [2017-370-E](#), [2017-207-E](#), [2017-305-E](#) ORDER NO. 2018-111-H

AUGUST 15, 2018

David Butler
Hearing Officer

DOCKET DESCRIPTION:

Docket No. 2017-370-E – Joint Application and Petition of South Carolina Electric & Gas Company and Dominion Energy, Incorporated for Review and Approval of a Proposed Business Combination between SCANA Corporation and Dominion Energy, Incorporated, as May Be Required, and for a Prudency Determination Regarding the Abandonment of the V.C. Summer Units 2 & 3 Project and Associated Customer Benefits and Cost Recovery Plans

Docket No. 2017-207-E – Friends of the Earth and Sierra Club, Complainant/Petitioner v. South Carolina Electric & Gas Company, Defendant/Respondent

Docket No. 2017-305-E – Request of the Office of Regulatory Staff for Rate Relief to South Carolina Electric & Gas Company's Rates Pursuant to S.C. Code Ann. § 58-27-920

MATTER UNDER CONSIDERATION:

SCE&G Motion for Leave to File Documents Under Seal

HEARING EXAMINER ACTION:

South Carolina Electric & Gas Company (“SCE&G”) has filed a Motion for Leave to File Documents Under Seal in connection with its Response to the Motion to Sanction and Compel filed by the Office of Regulatory Staff (“ORS”). The documents in question as stated are: 1) a revised privilege log submitted by SCE&G to ORS on August 10, 2018, which has been marked as “Confidential” by South Carolina Electric & Gas Company, and is a revised version of a previous log that SCE&G submitted on July 6, 2018; and 2) an excerpt from the deposition of Margaret Felkel in the matter entitled *Lightsey v. SCE&G*, Case No. 2017-CP-25-335, currently pending in Hampton County Court of Common Pleas. SCE&G believes that it is necessary for the Commission to review the Privilege Log and deposition excerpt in

connection with its consideration of the SCE&G Response to ORS' Motion to Sanction and Compel. Accordingly, SCE&G filed its Motion seeking permission to file the revised Privilege Log and deposition excerpt under seal, based on S.C. Code Ann. Section 58-4-55 (2015, as amended), Commission Order No. 2005-226, and Rule 41.1 (b) of the South Carolina Rules of Civil Procedure (SCRCP). SCE&G quotes the specific language of Rule 41.1 (b) of the South Carolina Rules of Civil Procedure ("SCRCP") for authority in the filing of the designated documents under seal. ORS has stated previously its disagreement with the "Confidential" designation of the privilege log, however, SCE&G requests that the Commission accept a filing of the privilege log and deposition excerpt under seal. Although the matter of confidentiality of a privilege log is still under consideration, in this particular situation, the Motion for Leave to File Documents Under Seal is granted, so that, for the present, SCE&G's designation of the privilege log in question as "Confidential" will be maintained while the matter of the confidentiality of the privilege log is under Commission review. The matter of confidentiality of the deposition excerpt will also be reviewed. Although the confidential status of both documents is still under review, the Hearing Officer requests that these documents be filed under seal for *in camera* review, pursuant to this Directive, as soon as practicable.

This ends the Hearing Officer's Directive.